IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

WP(C).No. 20550 of 2006(U)

AGAINST THE ORDER DATED 03/10/2005 IN IA.8045/2005 IN OS.1263/2005 of II ADDL.M.C., ERNAKULAM.

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PETITIONER:

JOHN.K.PAUL, S/O.K.P.PAUL,
AGED 52 YEARS, RESIDING AT KUTTUKARAN HOUSE,
ST.BENEDICT'S ROAD, KOCHI-18.

BY ADV. SRI.M.K.DAMODARAN (SR.)
SRI.A.PARVATHI MENON
SRI.P.SANJAY

RESPONDENTS:

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1. **THE KERALA HOCKEY ASSOCIATION HAVING HEADQUARTERS AT ERNAKULAM, (WITH COMMUNICATION ADDRESS AT: "SUHAAG", RAMAKRISHNA NAGAR, NSS ENGINEERING COLLEGE.P.O, PALAKKAD-678 008, REP. BY ITS SECRETARY.**

2. **KAIKKARA NIZAMUDDIN, (FORMER PRESIDENT OF KERALA HOCKEY ASSOCIATION), RESIDING AT KAIKKARA HOUSE, KILIKOLLUR, KOLLAM-691 004.**

3. **RAMESH KOLAPPA, (FORMERLY HON. SECRETARY OF KERALA HOCKEY ASSOCIATION), RESIDING AT T.C.10/2044(3), 'PONNA', THOZHUVANCODE DEVI TEMPLE ROAD, VATTIYOORKAVU, THIRUVANANTHAPURAM-695 013.**

4. **THE KERALA STATE SPORTS COUNCIL, THIRUVANANTHAPURAM, REP. BY ITS SECRETARY.**

5. **THE INDIAN HOCKEY FEDERATION, 106, NATIONAL STADIUM, NEW DELHI.**

BY ADV. SRI.B.KRISHNA MANI
SRI.V.PREMCHAND

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.20550/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE COMMISSION REPORT IN OS. NO.1060/05 DT.12.8.05.

EXT.P2:- COPY OF THE ORDER IN IA.7758/05 IN OS. NO.1140/05 MUNSIFF COURT, TRIVANDRUM DT.6.8.05.

EXT.P3:- COPY OF THE INJUNCTION ORDER IN I.A NO.8045/05IN OS. NO.1263/05 DT.23.9.05.

EXT.P4:- COPY OF THE IA.NO.9467/05 IN OS. 1263/05 DT.31.10.05.

EXT.P5:- COPY OF THE ORDER IN IA. NO.9315/05 IN OS. NO.1407/05 DT.26.11.05.

EXT.P6:- COPY OF THE IA.NO.5875/06 IN OS.1263/05 DT.10.7.06.

/TRUE COPY/

M.SASIDHARAN NAMBIAR, J.

W.P.C.NO.20550 OF 2006 (U)

Dated this the 20 th day of December, 2006.

JUDGMENT

Petitioner is plaintiff in O.S.1263/05, on the file of Munsiff court, Ernakulam. Respondents are defendants. Suit was filed for a decree for declaration that the newly elected office bearers on 7.8.05 are the rightful office bearers of Kerala Hockey Association and for a permanent prohibitory injunction restraining respondents from interfering in any matters of Kerala Hockey Association. In the suit petitioner filed I.A.7758/05, an application under Order XXXIX Rule 1 of Code of Civil Procedure for temporary injunction. Under Ext.P3 order, learned Munsiff granted an ex-parte order of injunction without notice, restraining respondents as prayed for in the said application. Meanwhile, first respondent herein filed O.S.1407/05 before Munsiff Court, Ernakulam. In that suit Ext.P5 order was passed where in the election of the office bearers in the election held on 7.8.05 was not approved by the court. Challenging Ext.P5 order, plaintiff therein filed C.M.A.6/06 before District Court, Ernakulam. When respondent attempted to get Ext.P3 order

vacated, petitioner filed I.A.5875/06, an application to adjourn the hearing of I.A.1845/05, till the disposal of C.M.A.6/06. It was not granted. This petition is filed under Article 227 of Constitution of India, seeking a direction to the Munsiff not to hear I.A.1845/05 before the disposal of C.M.A.6/06.

2. Learned counsel appearing for petitioner and respondents were heard.

3. Admittedly C.M.A.6/06 was dismissed by the District Court. That order of the District Judge is challenged in W.P.C.27728/06. Therefore the relief sought for in I.A.5875/06 has become infructuous. Learned senior counsel appearing for petitioner submitted that subsequent to the filing of this petition, as per order passed by this court, all the pending suits were now transferred to IVth Additional Munsiff Court (Fifth Munsiff Court), for disposal. It is for the learned Munsiff to hear and dispose of I.A.1845/05.

4. Petitioner filed I.A.16242/06, an application for order of stay for conducting South Zone Inter State Hockey Tournament to be conducted at Thalassery, scheduled from 27th December,06 onwards. I find no necessity to grant an order of stay as sought for. Argument of learned counsel appearing for petitioner was that in view of Ext.P3 order, respondent 2 and 3 are not entitled to conduct the tournament. Learned counsel appearing for respondents 2 and 3 submitted that Ext.P3 order does not prevent respondents 2 and 3 from conducting the tournament. If that be so, it is for the Munsiff to decide the consequence. Though learned counsel appearing for respondent 2 and 3 tried to argue the merits with reference to the exhibits in view of the decision I have taken, it is not necessary to deal with those aspects in this petition.

Writ petition dismissed.

M.SASIDHARAN NAMBIAR,
JUDGE.

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